

WILKES PROPERTY SUGAR HOUSE IS SUIT TO QUIET TITLE TO AREA IN Filed.

COVERS ONE SQUARE MILE

Julius A. Rockwood Discovers What He Regards as Defect in Title to Land Deeded Years Ago.

Fully one square mile in the very center of the business district of Sugar House will probably be brought into dispute as a result of a suit to quiet title filed in the district court yesterday afternoon by Julius A. Rockwood, 1910 Verona avenue, who is employed at the Granite Furniture company, against W. C. A. Smoot and the heirs of Brigham Young. The case is one which for years has been in abeyance. Julius A. Rockwood discovered what he considered a defect in the title to the ground which his father, Albert P. Rockwood, purchased from Susan Young and entered upon Dec. 30, 1878, and sought his suit to determine his rights; at the whole of the Sugar House business district is affected.

In the early days, W. C. A. Smoot, to his relatives say, entered upon the land in the center of Sugar House as a homestead, and applied to the government for a patent. Before the patent was issued to him, however, the land was sold to Brigham Young and is from the heirs of the latter that the title to the neighborhood has been derived. The question of law involved is, Can a man give title, and if so, which at the time of making the deed he does not really own, but merely has a pending patent right over it from the government? Relatives of Mr. Smoot have consulted lawyers in the point and he has refused to give quiet claim deeds, though frequently approached upon the subject. He has concluded that he was stopped setting up any claim upon the land.

The property involved in the controversy includes about one square mile of city lots and improved lands, beginning at a point about 160 yards north of the intersection of Eleventh and Center streets, running east and west to a point near Ninth East, East and Twelfth South, running hence south to a point below the track of the Park City branch line of the U. & R. G. railway, east to the bench and back to the beginning. Within his compass are several hundred modern homes and many big business blocks.

RILEY NOT SENTENCED.

Murder of George W. Fassell Will Know Fate in One Week.

With eyes sunken deep into their sockets and pale as death, James Riley, convicted murderer of George W. Fassell, faced Judge T. D. Lewis this morning to hear the sentence of death pronounced upon him; a sigh of relief passed over him, however, as the court for a continuance until Saturday at 10 o'clock was granted, at which time motion for a new trial will be heard. Dist. Atty. Fred Loebow was absent this morning, hence the continuance.

MARKET CASE CONTINUED.

The injunction suit against Chief of Police Barlow and the board of health, claiming that they are interfering with the farmers in the old Continental market, was continued this morning by Judge T. D. Lewis for one week, and an amended complaint was filed.

NEGLECTED WIFE SUES.

Allowed nothing but bread and potatoes, insufficient clothing and made to do chores until she became ill, Johanna Christina Pike commenced suit in the district court for divorce against William Pike whom she married in this city March 1, 1887. There are no children, but Mrs. Pike alleges he has failed to provide for her, has hoarded his money like a miser in a strong box in the house and has been disheveled and filthy in his person. She complains about the bread and potatoes and the inferior clothing he said she was getting all she deserved. Mr. Pike is alleged to own 13 acres of ground, and she claims that Mrs. Pike asks for \$15 a month alimony, \$250 attorney's fees and one half of his entire property.

STREET CAR COMPANY SUES.

Mrs. Hannah J. Gleason commenced suit yesterday in the district court against the Utah Light and Railway company to recover \$5,000 damages alleged to be due for personal injuries sustained in a street car collision on State street near Huxley's Mill some weeks ago. The incoming Murray car collided with the outgoing car and the cash register was thrown down upon Mrs. Gleason's head.

MUST CURE OR REFUND.

If a doctor guarantees to cure or to refund the money, his guarantee is legal and the money can be recovered—such was the decision in the district court yesterday in the case of Nancy Lundberg against the Greenhatch Remedy company. In November, 1907, the medical company agreed to cure Miss Lundberg of her E. P. Charlton time fever, but in August, 1908, the plaintiff brought suit for the money, as no cure had been effected. The decision was given in her favor in both the lower court and the district court.

BLUFF FAILED HIM.

W. P. Dalton Accordingly Draws Sixty Day Sentence.

W. P. Dalton sat in a game of bluff in police court this morning and lost 60 days' liberty. With G. H. Rogers, Dalton was up on a petty larceny charge. According to D. F. Macomber, manager of the E. P. Charlton & Co.'s store, 251 south Main street, the two young fellows had attempted the advantage of taking out a quantity of articles from the store without the formality of paying for them. Dalton was sure, during his hearing, that he could identify the cashier to whom he paid the money for the articles found in his possession, but where the cashier granted him in which the defendant could obtain the witness, the prisoner fell down and in exonerating his companion admitted his guilt on the theft. Rogers was discharged and Dalton was given 60 days in the city jail.

LEGAL BLANKS.

Of every character and description arranged from the best legal forms and brought strictly up to date. A full supply always on hand at the Deseret News Book Store.

This hot Weather makes a glass of ice - cold sparkling soda-water more enjoyable than ever before.

Promptness, cleanliness, civility features of our fountain.



ICE FAMINE NOT LIKELY.

From all indications there is no likelihood of Salt Lake having an ice famine this year, or for some years to come, as the city now has on hand considerable natural ice besides four artificial ice plants with capacities of from 100 to 200 tons per day, with another large plant now building. The average daily consumption of the city is said to be between 300 and 400 tons. There are seven ice dealers in the city with a daily output of from 25 to 75 tons each, and the prospects are that even during this blistering weather there will be ample ice for all purposes.

EXHIBITION DRILLS.

One Hundred Pupils of University Summer School to Appear.

The public exhibition of the University of Utah school of physical education will take place at the university gymnasium Thursday night. At this exhibition the 100 or more young men and women who have been taking the work during the summer will go through the intricate drills, dances, and various kinds of floor and apparatus gymnastics, which they have been learning during the summer. The classes will be led by the instructors in the work. These include Dr. Anderson, of Yale, and Miss Babcock and Miss DeLaney of the University of Utah. The school of physical education with these exercises ends its third year. This means that the third year class will receive certificates of graduation, showing that they have completed the course and are competent to be instructors and coaches in physical education. The program for the evening follows:

Gymnastic mass drill, three classes, Dr. Anderson.
Polka dances, Spanish, French, first year, Miss DeLaney.
Indian clubs, third year, Dr. Anderson.
Swedish free standing gymnastics, second and third year, Prof. Bolin.
Gymnastic specialties, men, H. S. Anderson.
Dumb bell drill, second year, Prof. Babcock.

Original dances, Misses Bitner, Poulsen, Edwards, Fernstrom and Sneyely.
Wand drill, second year, Dr. Anderson.
Albert dances, impromptu gavotte, Benelli caprice, Miss DeLaney.
National dances, Russian, Hungarian, Miss DeLaney.
Apparatus work, H. S. Anderson.
Presentation of certificates, Pres. Kingsbury.

AMUSEMENTS

Shubert—No cleverer duet has been heard at the Shubert or any other theater about town in this season than the "Villains in the Money," and the features of "The Promoters" at the Shubert theater this week, which is sung by Mabel Baker and Charles Riley with splendid effect.

The new show is rich in comedy and even richer in song hits the latter including "Meet Me Tonight in Dreamland," "Kid You Got Some Eyes," "Indian Summer," "Has Anybody Here Seen Kelly," "Oh, You Spasmatic Kiddo With the Wrigley Eyes," and "The Yama Yama Man."

Luna—In the "Hall Room Boys" the Luna of the theater, the first stories imaginable and in fact comedy runs riot all through this week's program at this popular picture house. Other films are "Grandmother," "A Vacation in Havana," and "How Bounteous Favored the Parlor."

Isis—The Isis has no place to take the blues this week. There is not a chance for them to show their skill in comedy and stirring dramatic films that comprise the new bill there this week. The subjects include "An Advertisement Answered," "The Wicked Baron," "The Sheriff," and "A Hunting Story."

THE MORMONS AND KID THEATRE.

An interesting compilation forming the history of the children in Salt Lake by the late John S. Lindsay, for sale at the Deseret News Book Store. Price 50c.

DAIRYMEN ARE WORRIED.

City Food and Dairy Commissioner Denatures Warm Milk.

W. J. Frazier, city food and dairy commissioner, with Messrs. Starbuck and Tyrell, visited the Lagodon dairy this morning at 8:45, condemned and denatured the following overheated milk: Five gallons, temperature 77, from Arthur Smith; five gallons, temperature 76, consigned by Joseph Orenshaw of Kaysville to the Clover Leaf dairy. Mr. Frazier says that one company alone received 200 gallons of sour milk yesterday; and that unless the farmers reform he will come down to the lettuce of the law and cast out all milk of over 55 degrees. The lives of the babies in the city, he says, are in danger. Many of the farmers take their milk to the by-stations and leave it in the sun until the train happens along to gather it up, and Mr. Frazier says that such proceedings must stop.

SOCIAL AND PERSONAL.

On Thursday morning next, Miss Bessie Grace, accompanied by Miss Jennie Huff and Mr. W. C. A. Smoot, will leave by automobile for Brigham City. The party will remain at the high altitude resort until after the 24th, returning on the evening of July 25th.

C. B. Oliver, formerly prominently identified with the Castle Valley Coal company and may mining companies, has gone to southern California where he will devote his attention to gold mining. P. O. Shue of Elko, Nev., is at the Cullen.

OWNER AND JOCKEY PLAYS SMOOTH GAME

The Talent and Those Who Were Bumped Just Learn Facts.

FAIR MEDDLER RAN HERE

Under Guise of Lady McDowell Her Owner Made His Stake and Hurried Away.

In a very smooth game, the details of which have just come to light, Perry Reed, owner, and Jockey Stewart, worked in a "ringer" at Buena Vista a week ago Monday afternoon and "cleaned" up about \$15,000. While the Utah Jockey club only suffered a loss of about \$5,000 on its books, most of the money was played on outside pool rooms.

Some of the "touts" who began to "dope up" the animal discovered that the real "Lady McDowell," for that was the name given the pony, was dead, and then they began looking for the "ringer." Reed shipped from Nebraska and in a few days they received information from a point which put them on to the game.

When Reed came into the betting ring to make his third big cleaning he found that his horse had been discovered by heavy play. So to get even, he "double crossed" the "touts" who had spoiled his game and Jockey Stewart pulled the horse away for the second choice to win on which Reed had placed his money.

Reed barely had enough money to pay his stable fees and shipping into Salt Lake, but he left with a good purse. The first race he bet all he had and cleaned up \$1,500. The next race he put every dollar he had on his horse and made \$15,000. On the double cross he worked, Reed won about \$2,000 and made his get away, taking the horse with him.

If Edward Corrigan, the veteran horse owner, had the game wiser to the game, Reed might have still been here, the officials of the track being too slow to catch on to any kind of game. He led the horse up and claimed in a selling race and Reed had to clear out to retain the mare.

Lady McDowell, the "ringer" was no other horse than Fair Meddler, one of the fastest six furlong horses in the east, when she was owned by Jockey Stewart and won stakes valued at \$38,000. Reed shipped the animal in about 10 days after the meet started with a stable of three other horses. "Lady McDowell" was in poor condition when she arrived here and was not started for several days. In the first race on July 6, Lady McDowell, 10 to 1, won the race from an ordinary bunch of horses. Jockey Stewart held the mare back and made a good time, 1:10 to 1:11 of the finish. Reed backed his horse in the betting ring with all the money he had and cleaned up about \$1,500. Besides the purse, the second choice, the horse came out, she won a fast field and Reed hit the local books up for about \$5,000 at a good price and telegraphed money to a number of different cities where it was laid in pool rooms by betting commissions. In this race Jockey Stewart had a hard time keeping the mare from running away from the field. Reed and Stewart, however, had "cleaned up" a big race and money and the "touts" got wise and attempted to find out where Reed came from and what horse he had.

THE SECRET GETS OUT.

Before the third race was run in which Lady McDowell was entered, the secret got out. The day of the third race when Reed went to the betting ring he found that his horse was the talk of the town, and the "touts" and gamblers who had got onto the game.

Reed told Jockey Stewart to pull the horse and he bet his money against Stewart. Reed had the game wiser to the game, Reed might have still been here, the officials of the track being too slow to catch on to any kind of game. He led the horse up and claimed in a selling race and Reed had to clear out to retain the mare.

Reed's game was to place his money on the horse in outside pool rooms and protect the local books so that he could get a good price on his animal. When the real name of the horse was discovered and all the "touts" got on him, Reed was in a double cross, he took to the mourners' bench on one of the many "surrenderings" which they played during the meet.

NEW POLICE BUSY.

Seventeen Men Arrested by Him Turned Loose Today.

Patrolman James W. Woodward, one of the new additions to the police department and acting as a patrolman, had a busy night last night. He made 17 arrests last night, nine of them being men who were unable to sleep in the stuffy rooms of boarding houses had sought the cool grassy lawns of the city's public square, Pioneer park, and eight unable to purchase beds for the night had taken to the streets and were given by the police several shots in the back of the head. Woodward was not called upon to explain why he had arrested the men who sought the cool, fresh air of the open night, because the defendants were promptly discharged.

GUARDSMEN ARE ENTERTAINED

Sergeant A. G. Jackson of Signal Corps Gives Pleasant Affair for Comrades.

Sergt. A. G. Jackson of the Signal Corps entertained the officers and non-commissioned officers of the organization at his home, 434 J street, last night. Mrs. Jackson and other members of the family assisting. The evening was pleasantly spent with music and stories of soldiering in many lands, veterans from India, South Africa, Gibraltar and the Philippines being numbered among the guests, the host being a former member of the English mounted service. A banquet of bounteous proportions and keener relish terminated the happy event.

ARRESTED FOR SHOOTING.

Deputy Sheriff Sam Nowell was called to Butler at 11 o'clock last night to quell the belligerent spirit of A. L. Hansen, who was alleged gambling in the dens of Bacchus has caused him to become belligerent. Hansen caused considerable excitement by firing several shots with his revolver. The deputy placed him under arrest and took him to the county jail.

TEST THEM

Buy a can of Hewlett's

Luneta

Fresh Roasted Steel Cut Coffee

at 30c per pound. Buy a can of Coffee that is imported and not fresh at 40c. Make a cup or pot of Coffee from each package then ask your neighbors to come in and test them and decide which is the best.

TRY IT AND SEE FOR YOURSELF.

MAY EXTRADITE WOMAN SWINDLER

Governor Sory Investigates Case of Mrs. E. L. Kramer as Told by the News.

As a result of the facts revealed in the Deseret Evening News Monday evening concerning the clever swindler Mrs. E. L. Kramer, who for a period of eight or nine months passed worthless checks of sums less than \$50 on the grocers and merchants of this city, Gov. William Spry held a special investigation this morning to look over the evidence as presented in The News and to consider the advisability of issuing extradition papers for the return of Mrs. Kramer from Rock Springs, Wyo., where she has joined her devoted husband.

Mrs. Kramer was just clever enough to avoid passing worthless checks for sums over \$50 and thus she kept her operations within the misdemeanor list, and it is tacitly understood that extradition papers will not be honored in cases of misdemeanor. If Mrs. Kramer had passed one of the checks made out for \$50 or more for a sum exceeding \$50 the offense would have constituted a felony; extradition papers would have been issued.

Gov. Spry says that the woman is undoubtedly a most clever swindler, and should be punished to the fullest extent of the law; but he hesitates to ask Gov. Brooks of Wyoming to honor an extradition paper for a misdemeanor contrary to the precedence in this matter.

VEIN ENCOUNTERED ON RETURN PROPERTY

Gasoline Hoist Being Installed—One Running Into Thousands Discovered Near Surface.

At a depth of 200 feet, in a cross-section from the vertical shaft, the men working on the mine found a vein of oil. The vein was found in the company's property in Nye county, Nev., 70 miles southwest of Austin, have just encountered the vein which gives such richness to the oil fields of the state. The vein was found in the surface above running into the thousands of dollars. On a drift from the 110-foot level the vein was struck some time ago, which proved beyond a doubt that the mine was rich in oil. Details have not yet come in from the isolated property, but it was thought that a few feet further progress in the vein would reveal the richness of the mine.

The mine is 40 miles from the Western Pacific railroad, and six miles from the Lodi smelter, which it is understood will be in operation in a short time. It is a smelting proposition, and the mine is being developed in a short time. The rich pay streak runs from three and four inches to a foot and a half in width. In this has been found gold, silver, and chunks of silver as large as a man's hand, more pure than Uncle Sam's silver dollars. Great chunks of this ore assay into the tens of thousands in silver, with gold showing \$45 to \$100 to the ton. The values are not yet found in a granulated white quartz. Over 20 tons of the high grade have been sacked. The property gives promise of being a winner.

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LATE LOCALS

Ashe Being Sent Home—Collector Greenwald received word today that the ashes and effects of Jacob Moritz were sent from Welsbach, Germany, on June 25 to Mr. Greenewald, who was remembered by Mr. Moritz as his first friend and acquaintance on coming to Utah.

To Discuss Fly Question—Dr. W. F. Stoekey will discuss the typhoid fly before a meeting of the Relief society of the Thirty-first ward Thursday evening at 7:30 o'clock, the society meeting at that hour instead of the usual time.

Genealogical Society—During the summer months the Genealogical library will close Wednesdays at 1, but will keep open Saturday afternoons until 5.

TO HONOR PIONEERS.

The members of the committee having in charge the pioneer entertainment at Wandamere July 25, will be at the Lion House Monday morning, July 25, from 8:30 to 9:30 a.m. to receive the 1847 pioneers, and will conduct them by street cars to Wandamere to be present at the exercises which will begin at 11 o'clock. The pioneers will be taken care from their homes can secure street car tickets at the historian's office up to Saturday afternoon at 5 o'clock.

WEATHER REPORT.

Generally Fair Tonight and Thursday.

TODAY'S TEMPERATURES.

6 a.m. 75
7 a.m. 75
8 a.m. 75
9 a.m. 75
10 a.m. 75
11 a.m. 75
12 m. 75
1 p.m. 75
2 p.m. 75
3 p.m. 75
4 p.m. 75
5 p.m. 75
6 p.m. 75
7 p.m. 75
8 p.m. 75
9 p.m. 75
10 p.m. 75
11 p.m. 75
12 m. 75

YESTERDAY'S RECORD.

Highest 77
Lowest 57

CHARGES AGAINST WOMEN DISMISSED BY BURGLAR

(Continued from page one.)

More Light Thrown on Inner Workings of "American" Party.

WARRANTS SERVED UP TOWN

Police Department Unable to Find Any "Inmates" at Stockade—Court Force This Morning.

"These women were arrested on complaints and warrants intended for other places, and we really have no evidence against these particular defendants."

"Lieut. Shannon was to have been here to explain why these arrests were made. If he does not appear we will make a motion for the dismissal of the case, and of all such cases."

"We ask for the dismissal of these cases because of the fact that we have no evidence that can possibly secure a conviction."

These statements, made by Asst. City Atty. P. J. Daly in Judge Whitaker's division of the city court this morning, leading to the dismissal of charges against 14 women, accused under the broad term of vagrant, threw another light on the inner workings of the "American" Party administration, police department in its protection of the stockade.

Although upwards of 400 warrants have been issued to the police for the arrest of the inmates of the stockade, the police, according to their returns, have been unable to find any stockade inmates. A day or two after City Atty. Dinnity began to issue complaints against the stockade, under the influence of the court records this morning, the police used some of the warrants intended for the stockade against people "uptown." Fourteen women were arrested in the uptown district while no one was found in the stockade.

When the cases were called this morning before Judge Whitaker, the assistant city attorney, Mr. Daly, explained to the court that the women had been arrested on complaints intended for another place and also that Police Lieut. Shannon had promised to be present to explain. Lieut. Shannon was found in the building, and after a minute's consultation the city prosecutor asked, as each case was called that the charges be dismissed, "due to the fact that we have no evidence to make a conviction."

In the meantime the police department is still being furnished daily with warrants for the arrest of the stockade inmates. For an hour each night the stockade is closed and the police have so far been unable to find it open.

THOMPSON FALLS POWER SITE DECISION

Helena, Mont., July 20.—Judge Rasch of the federal court today rendered a decree holding that the water power site at Thompson Falls capable of developing 30,000 horsepower, belongs to Edward Donlan and the Northwestern Development company. The plaintiffs in the action, E. M. Steele, Edward Maher and Z. F. Venham, are perpetually enjoined from asserting any right thereto.

THREE MANITOBA TOWNS REPORTED BURNED

Winnipeg, Man., July 20.—It is reported that Jaffray, Three Forks and Bannock Lake, mining and lumber towns in the Sloan district, have been destroyed by forest fires.

PERU AND COLOMBIA. To Act as Arbitrator.

Rio Janeiro, July 20.—Sir William N. D. Haggard, British minister to Brazil, will be asked to act as arbitrator in the long standing boundary dispute between Peru and Colombia in the case of Baron De Rio Branco, the Brazilian foreign minister, who had declined to act.

TREBLE ROCKEFELLER'S ASSESSMENT

Cleveland, O., July 20.—East Cleveland appraisers have placed a valuation of \$1,000,000 on John D. Rockefeller's Forest Hill estate. This is an increase of \$200,000 over the last appraisal when the valuation was fixed at \$800,000. Mr. Rockefeller has not indicated if he will fight the appraisement.

SELF CONFESSED ROBBER TO BE ARRAIGNED FRIDAY

Fairfield, Cal., July 20.—Carl D. Bishop, alias James C. Brown, the confessed robber of the China and Japan mail train near Goodyear on April 17, will be brought into court for arraignment probably on Friday. In the meantime Dist. Atty. Joseph M. Raines will file formal charges against him. At present he is being held on a John Doe warrant issued on information furnished by Raines soon after the holdup of the train.

Sheriff J. J. McDonald, to whom Bishop made his confession last midnight in the Solano county jail, stated today that the other suspect, Charles Dunbar, so far had refused to make any admission of guilt. He believes, however, that Dunbar will break down soon under the knowledge that his companion has told all the details of the robbery.

TAXICABS DE LUXE FOR BROADWAY

New York, July 20.—Taxicabs "de luxe" are soon to be the newest thing on Broadway. The new cabs are to surpass in luxuriousness any four-wheeled vehicle in the world, not even excluding the state carriages of royalty.

According to the promoters of the enterprise, the cabs will be mainly constructed of heavy bevel glass so as to show off the women's gowns to advantage. The interior will be lighted with electricity with reflectors so as to throw the occupants into prominence. Thus, a woman en route to the theater or opera cannot only show off the latest Parisian creation in gowns, but observe the costumes of others. The cabs will be lined with shirred silk and the cushions will be made from costly damasks and brocades. The interior decorations will be removable so that a woman may order the taxicab furnished in colors to suit her gown.

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